

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended claims 1-4, 10, 13-16 and 22. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-10 and 13-22 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1, 6, 13 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fostick, et al. (Fostick), US Publication 2003/0083934. The Applicant has amended claims 1 and 13 to more clearly define the intended scope of the claimed invention and distinguish the present invention from the Fostick reference. The Examiner's consideration of the amended claims is respectfully requested.

The present application discloses a method and system for applying vouchers that may not be valued in monetary terms. A subscriber is provided with a "flexible voucher list" (FVL) containing records; each record comprising an ID and a list of vouchers. The vouchers associated with each FVL record, and accordingly with the subscriber, are identified by nonspecific, generic identifiers. All operators using the FVL can use the same nonspecific identifier, such as "Id = 1" to identify a particular voucher type that is specific to a particular operator. One operator can use the nonspecific identifier Id=1 to represent voucher records that provide free online gaming tokens (page 10, lines 18-30). Another operator can use the same Id=1 to represent free pizza coupons.

So, the Applicant's claimed invention provides nonspecific identifiers for records containing vouchers that are priced in non-monetary terms. The nonspecific identifiers may be used by any operator to identify that operator's service. The Applicant respectfully directs the Examiner's attention to amended claim 1 below. Similar amendments have been made to system claim 13.

1. (Currently Amended) A method for changing the service level for a subscriber in an electronic communication network, comprising the steps of:

creating a flexible voucher list (FVL) associated with the subscriber the FVL comprising a sequence of voucher records for one or more services, each voucher record in the FVL utilizing a nonspecific identifier adaptable for identifying any service and each record in the FVL comprising a quantity of vouchers related to the identified service, and

associating said sequence of voucher records with a subscriber for usage by said subscriber when utilizing said one or more services.  
(emphasis added)

The Applicant respectfully asserts that Fostick fails to disclose the above emphasized limitation.

The Fostick reference discloses a system for providing voice vouchers such that the content and authentication data of a voucher may be received and redeemed using a standard mobile communications device. In the Detailed Action, Fostick is cited for creating a "flexible voucher list" that comprises voucher records that further comprise a quantity of vouchers with voucher type identification parameters. The cited portions (paragraphs 0037 and 0051) of the Fostick reference discloses voucher creators using an API for creating vouchers using external applications which are then stored in a database or table in the system; each voucher having an identity, the service it represents, etc. The vouchers are distributed by voice mail (para 0052) messages that include a link to the voucher. Also a handset or any communications device is disclosed as being able to receive and access the vouchers. The Applicant respectfully submits that the use of a nonspecific voucher type identifier is not found in Fostick.

The Applicant respectfully submits that Fostick lacks the limitation of providing a voucher type identifier that is nonspecific and that may be used by multiple operators to identify their own voucher. This being the case, the Applicant respectfully requests the withdrawal of the rejection of amended claim 1 and amended claim 13 which is analogous to claim 1 and contains similar limitations.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 2, 3, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fostick, et al. (Fostick), US Publication 2003/0083934 in view of Whale, US Publication 2003/0046171. The Applicant respectfully traverses the rejection of these claims.

The Whale reference is cited for teaching the limitation of storing a fee measured in units. Whale, however, lacks the same limitation as the Fostick reference; that of a nonspecific identifier that may be used by different operators to identify a service specific to their system. This being the case, the Applicant respectfully requests withdrawal of the rejection of claims 2, 3, 14, and 15.

Claims 7 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fostick, et al. (Fostick), US Publication 2003/0083934 in view of Ahola et al (Ahola), Publication WO9918713. The Applicant respectfully traverses the rejection of claims 7 and 19.

The Ahola reference is cited for disclosing voucher records with an expiry date. The Applicant respectfully submits that the Ahola reference does not disclose the use of a nonspecific identifier that may be used by different operators to identify a service specific to their system. Therefore, neither Fostick nor Ahola individually or in combination teach the missing limitation. The applicant respectfully requests the withdrawal of the rejection of claims 7 and 19.

Claims 10 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fostick, et al. (Fostick), US Publication 2003/0083934 in view of Rand et al (Rand), Publication WO0139092. The Applicant respectfully traverses the rejection of claims 7 and 19.

The Rand reference discloses a billing system for monitoring and recording use of a provider supplied media system. The system is used for providing billing based on subscriber use, or pro rata basis. A subscriber may be charged a fee to view a selection of programming content without viewing commercial advertisement

interruption. In other words, the subscriber may pay for content less than the total content available and be billed a commensurate amount.

The Rand reference is cited for disclosing quantity or unit as a number of SMS, EMS, MMS, volume of data, time of service or a monetary value. The cited portion of Rand discloses a fee in monetary units or other types of payment debits or credits, implying the use of money based units. However, the Applicant has amended claims 10 and 22 to distinguish from the Rand reference. As the Rand reference does not teach the use of a nonspecific identifier and claims 10 and 22 no longer contain the limitation "monetary units", the Applicant respectfully requests withdrawal of the rejection of claims 10 and 22.

Claims 4 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fostick, et al. (Fostick), US Publication 2003/0083934 in view of Whale, US Publication 2003/0046171, in further view of Ahola et al (Ahola), Publication WO9918713. The Applicant respectfully traverses the rejection of claims 4 and 16.

The Applicant respectfully submits that Fostick, Ahola and Whale, individually or in combination, all lack the limitation of providing a voucher type identifier that is nonspecific and that may be used by multiple operators to identify their own voucher. This being the case, the Applicant respectfully requests withdrawal of the rejection of these claims.

Claims 5, 8-9, 17 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fostick, et al. (Fostick), US Publication 2003/0083934 in view of Whale, US Publication 2003/0046171, in further view of Rand et al (Rand), Publication WO0139092. The Applicant respectfully traverses the rejection of these claims.

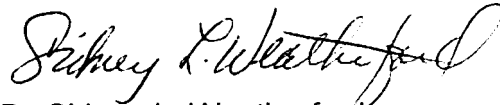
The Applicant respectfully submits that Fostick, Whale and Rand fail to disclose or teach the limitation of providing a voucher type identifier that is nonspecific and that may be used by multiple operators to identify their own voucher. The Applicant respectfully requests that the rejection of claims 5, 8-9, 17 and 20-21 be withdrawn.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sidney L. Weatherford". The signature is fluid and cursive, with the first and last names being more prominent.

By Sidney L. Weatherford  
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